UNITED NATIONS

CEDAW

Convention on the Elimination of All Forms of Discrimination against Women

Distr.
GENERAL

CEDAW/C/UK/3/Add.1
22 August 1997

ORIGINAL: ENGLISH

COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

Third periodic reports of States parties

Addendum

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND*

(THE FALKLAND ISLANDS)

* For the initial report submitted by the Government of the United Kingdom, see CEDAW/C/5/Add.52 and Amend.1-4; for its consideration by the Committee, see CEDAW/C/SR.155, CEDAW/C/SR.156, CEDAW/C/SR.159 and CEDAW/C/SR.160, and Official Records of the General Assembly, Forty-fifth Session, Supplement No. 38 (A/45/38), paras. 167-213. For the second periodic report submitted by the Government of the United Kingdom see CEDAW/C/UK/2 and Amend.1; for its consideration by the Committee, see CEDAW/C/SR.223 and Official Records of the General Assembly, Forty-eighth Session, Supplement No. 38 (A/48/38), paras. 523-589. This document has been reproduced without formal editing.

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Introductory

1. The Initial Report in relation to the Falkland Islands was prepared in March 1988 and it was distributed as CEDAW/C/5/Add.52/Amend.2 on 12 July 1989.

2. The second periodic Report was prepared in April 1991. In accordance with the guidelines of the Committee on the Elimination of Discrimination Against Women as to the submission of periodic Reports, the present Report focuses on the period between the consideration of the last Report by the Committee (January 1993) and the date of preparation of this Report (June 1997).

3. A copy of the Census Report 1996 is annexed as Annex A.

4. Further statistical information is contained later in this Report

Role and position of women in society in the Falkland Islands

5. The following updates information previously given under this heading -

(a) Education

The general position remains as described in the Initial Report. However under the Education (Amendment) Ordinance 1994 (copy attached as Annex B) the school leaving age was increased with effect from February 1995 to the end of the school year in which the pupil concerned attains his or her sixteenth birthday. Past experience has been that the majority of pupils voluntarily remained at school until that time so as to be able to sit important external examinations usually taken at or about sixteen years of age (principally the General Certificate of Secondary Education of various Boards in the United Kingdom). A small number of less academically gifted pupils left school as soon as legally they could. The Falkland Islands Government considers that it was in the interests of all children that they should remain at school until the new leaving age and Annex B was enacted for that reason.

In the last three years for which results are available, subject passes at General Certificate of Secondary Education examinations were as follows -

	1994	1995	1996
Boys sitting examinations	14	11	22
Girls sitting examinations	18	9	15

Total Candidates	32	20	37
Total passes all grades	178	139	243
Grade C and above passes (all candidates)	107	56	130
Grade C and above passes (females)	67	19	50

In those years 1994-1996, the Falkland Islands Government sent the following numbers of students overseas for secondary education for 12th and 13th years of education -

	Sept 1994	Sept 1995	Sept 1996
Total	21	27	13
Girls	8	12	6

Teaching staff employed as at 1 February 1997 were as follows -

Falkland Islands Community School	Teachers	Assistant Teachers and Special Needs Assistants
Male	9	1
Female	9	1
Stanley Infant/Junior School		
Male	2	0
Female	9	8
Camp Education Service		
Male	3	0
Female	8	0

(b) Employment opportunities

The Committee is invited to refer to Tables 16, 17 and 18 of Annex A (1996 Census Report) which update the information given under this heading in the Initial Report. No more up to date statistics on a national basis are presently available. The Falkland Islands Government believes the picture presented by Tables 17 and 18 of Annex A remains generally valid. The next Census is not required by law to be held until 2001.

(c) Business opportunities for women

There is no new information to report.

(d) The public service (civil service)

On 1st June 1997 there were 430 persons employed in administrative/technical

professional posts by the Falkland Islands public service, 203 of whom were female. 148 of the 430 posts mentioned were higher grade posts (Grade D and above); 54 of those higher posts were held by women.

155 persons were on 1st June 1997 employed by the Falkland Islands Government other than in administrative/technical/professional posts. 52 of these persons were women. 39 employees, 14 of whom were women, were sent overseas by the Falkland Islands Government for training in 1995. In 1996 20 employees were sent overseas by the Falkland Islands Government for training in 1996, 10 of these persons were women.

(e) Rights of women to own and inherit property (including land).

There is no change to report.

(f) Marriage

The information given in the Initial Report remains valid. In 1994 two Ordinances relevant to the family and the rights of women in respect of children were enacted: the Children Ordinance 1994 and the Family Law Reform Ordinance 1994. Copies of those Ordinances are annexed as Annexes C and D to this Report.

Legal and other matters adopted to implement the Convention

6. During the period covered by this Report no legal or other matters have been adopted with the Convention specifically in mind. However, during the period covered by this Report, the Falkland Islands Government has considered the obligations under the Convention in respect of two Ordinances, the Old Age Pensions Ordinance and the Income Tax Ordinance.

7. The previous Old Age Pensions Ordinance was regarded as being discriminatory contrary to the provisions of the Convention because it excluded married women from the statutory scheme laid down by the Ordinance in relation to retirement pensions. Married women, however, were exempt from the obligation to make weekly contributions under the Ordinance. In November 1996 the Retirement Pensions Ordinance 1996, wholly replacing the existing Old Age Pensions Ordinance, was enacted; this removed the discriminatory provisions of the old law. The Retirement Pensions Ordinance 1996 came into force on 1st January 1997.

8 The other Ordinance considered during the period covered by this Report was the Income Tax Ordinance. That Ordinance deemed for income tax purposes the income of a married woman living with her husband in a year, or part of a year, of assessment to be her husband's income and not to be her income (subject to the right of the husband and a wife to elect jointly that the wife's earned income should be charged to income tax as if she were a single woman with no other income); and it required tax in respect of such income accruing to such a married woman to be assessed on her husband (subject to the right of either of them to apply for separate assessment) and, consequently (if no such application was made), restricted to her husband the right to appeal against any such assessment and to be heard or to be represented at the hearing of any such appeal. The Ordinance entitled a man who had his wife living with him, or whose wife is wholly maintained by him, during the year of assessment, to a deduction from his total income of an

amount larger than that to which an individual in any other case was entitled, and entitled an individual whose total income included any earned income of his wife to have a deduction of the amount of that earned income or by an amount specified in the legislation whichever was the less. That provision appeared to be a provision to which Article 13 of the Convention applied and one to which the United Kingdom's reservation in respect of Article 13 in relation to the Falklands Islands therefore applied. The purpose of the examination of the provisions of the Income Tax Ordinance above mentioned was with a view to the possible withdrawal in respect of the Falkland Islands of that reservation following a relevant change in law. However, following full public consultation on the matter, the Falkland Islands Government decided to make no change in relevant provisions in the Taxes Ordinance 1994 which has replaced the Income Tax Ordinance. The reason no change was made was that there was no expressed public wish for changes and the institution of changes of a kind necessary to comply with Article 13 would have resulted in increased administrative work in the Income Tax Department of the Falkland Islands Government. The Government however undertook that, if there were any future demand for relevant change in the law, such changes would be introduced.

Instructions or authorities and remedies

9. There is no change relative to the information given in paragraph 5 of the Initial Report.

The means used to promote and ensure full development and advancement of women

10. The Falkland Islands Government believes that the adoption of appropriate governmental and official policies in relation to the advancement of and development of women is proving to be effective. A General Election took place in October 1993. Seven out of the eighteen candidates for election to the Legislative Council were women and three of those seven candidates were elected. In October 1994, Legislative Council elected those three women to constitute the elected (and only voting) members of the Executive Council of the Falkland Islands, the function of which is to advise the Governor in the formulation of policy in relation to the government of the Falkland Islands. The Falkland Islands Gov rnment believes that it is possible this represents the first occasion in any British Dependent Territory in which the elected members of the Executive Council of the Territory were women. It takes pride in the stage reached in the Falkland Islands in the advancement and development of women that such an election demonstrates. At the present time (June 1997) two of the three elected members of the Executive Council are women.

Part II

11. In subsequent paragraphs of this Report changes or developments which have taken place in relation to various Articles of the Convention are mentioned. Where an Article of the Convention is not mentioned, it should be assumed that there is no change or development to be reported.

Article 2

12. In Part I of this Report the Falkland Islands Government mentioned that the Old Age Pensions Ordinance which discriminated against women has been replaced with effect from 1st

January 1997. Currently (June 1997) legislation is being drafted which will, if enacted, remove discrimination against women in the field of occupational pensions.

13. Additionally in relation to Article 2, during 1994 the Matrimonial Proceedings (Domestic Violence) Ordinance was enacted. This Ordinance confers additional powers on the courts and police to deal with the problem of violence in the family home. Such violence is usually directed by a male partner against the female partner although the opposite is sometimes the case. The Ordinance addresses the problem of providing adequate protection to the partner suffering the violence. This applies whether the partners are living together as a result of a legal marriage between them or as a result of quasi-marital relationship. Women are protected against violence at the work place or in any area of social life by other general legislation but were not fully protected against violence within the family home. The Matrimonial Proceedings (Domestic Violence) Ordinance is regarded as being relevant to general recommendation number 12 (8th Session 1989) ("violence against women") of the Committee. A copy of the Ordinance as annexed as Annex E to this Report.

Article 5

14. In relation to Article 5(a), the Falkland Islands Government ensures that at government school pupils are educated in subjects which traditionally have been regarded as appropriate only for boys or appropriate only for girls. By way of example Home Economics (which includes all matters relevant to the running of a home, including cooking) is compulsory for all pupils during the early years of schooling in the Falkland Islands Community School. In 1994, the major prize for an item of needlework at the Falkland Islands Community School was won by a boy.

15. In relation to Article 5(b) a compulsory subject of all pupils during the first three years at the Falkland Islands Community School is Personal and Social Education. The responsibilities of men and women towards each other and in relation to the upbringing of children form part of the syllabus of the subject.

Article 7

16. Reference has already been made to the fact that at the time of preparation of this Report three of the eight elected members of the Legislative Council of the Falkland Islands are women and that two of those three women constitute a majority of the voting membership of the Executive Council of the Falkland Islands, the body charged with advising the Governor on the formulation of Government policy.

17. The Falkland Islands Civil Servants Association (the trade union representing civil servants) has a committee of seven members, two of whom are women. The Falkland Islands Civil Service is divided into established officers (those on permanent and pensionable terms) and those unestablished officers (manual principally or "blue collar" workers) who are not on permanent and pensionable terms. During the period covered by this Report the Falkland Islands Government has instituted a system of formal yearly appraisal of civil servant's performance. This is entirely gender-neutral. In January 1995, the Falkland Islands Government replaced the previous Orders for the Public Service (which with amendments dated from 1952) with more comprehensive and modern provision. These General Orders lay down gender-neutral procedures

for appointment and promotion to and in the Falkland Islands Civil Service and provide entitlements for pregnancy and confinement leave for female employees with "rights to return to work" following confinement.

18. The Secretary of the General Employees Union is a woman but the Falkland Islands Government has no present information as to the gender composition of the Union and its executive committee. The Government however believes that since the Union principally represents manual workers, the majority of whom are male, the Union will be male-dominated.

19. The Secretary of the Farmers Association (to which most farmers in the Falkland Islands belong) is a woman. Most farms in the Falkland Islands are husband and wife partnerships and women take active part in the affairs of the Farmers Association.

Article 8

20. During the period covered by this Report female members of the Legislative Council have represented it at meetings of the Commonwealth Parliamentary Association (to which the Falkland Islands Legislative Council belongs) and on behalf of the Falkland Islands as a petitioner before the Committee on Decolonisation of the United Nations.

Article 10

21. Information has been given in earlier paragraphs in relation to Articles which is also relevant to obligations under Article 10.

Article 12

22. In relation to general recommendation number 15 of the Committee (9th Session 1990) ("avoidance of discrimination against women in national strategies for the prevention and control of acquired immune deficiency syndrome [AIDS]"). The Medical Department of the Falkland Islands Government regularly disseminates information as to the risk of HIVE infection and AIDS. Partly because of that risk contraceptives are available free of charge from the Medical Department. The Medical Department includes among its staff Health Visitors who are women, part of whose duties are to disseminate information on health issues. So far as the Falkland Islands Government is aware no person ordinarily resident in the Falkland Islands suffers from AIDS or is HIV positive.

23. In relation to general recommendation number 14 of the Committee (9th Session 1990) ("female circumcision"), the Falkland Islands Government is unaware of any instance of female circumcision taking place in the Falkland Islands.